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TAGS: PGOV KDEM PHUM VE
SUBJECT: ELECTORAL COUNCIL'S SECOND AUDIT BACKS AUGUST 15 RESULTS; OPPOSITION WORKING TO DOCUMENT FRAUD ALLEGATIONS

Classified By: CDA Stephen G. McFarland for Reason 1.4 (d).

Summary

¶1. (C) Carter Center and OAS representatives found no merit in the arguments made by the opposition that the GoV committed fraud in the August 15 presidential recall referendum. OAS/TCC reps are convinced the audit of 150 voting tables completed on August 21 was sufficient to conclude that the alleged fraud was improbable. Gaviria said the OAS would be willing to review any proof of fraud that the Coordinadora finds. The Coordinadora Democratica and the NGO Sumate reject the observers' conclusion and called for further investigation of the results to clear up doubts. End summary.

Carter Center Backs Up Audit

¶2. (U) OAS SYG Cesar Gaviria and the Carter Center's Jennifer McCoy told reporters August 21 that the results of the August 19-21 audit of 150 voting tables were compatible with the results the National Electoral Council (CNE) had announced. Asked by reporters about the opposition's allegations of fraud, Gaviria and McCoy answered that no evidence of fraud had been found in the audit. The opposition alleges that President Hugo Chavez and his supporters committed electronic fraud, involving the use of algorithms to manipulate the results (septel).

¶3. (C) Carter Center technical representative Edgardo Mimica explained to poloff August 21 that for the audit the CNE had drawn a random sample of 150 of the 12,000 voting tables, encompassing 354 voting machines. The CNE selected the sample using its own program and reviewed by the Carter Center. Mimica called the sample was statistically valid (nearly 20,000 machines were used in all). Once the tables for audit were identified, Carter Center and OAS observers were on-site at 22 regional depots to watch Venezuelan military officers find the corresponding boxes with the vote receipts from the table in question. Observers had to resort to 28 alternate tables where the boxes had been damaged or could not be readily located.

¶4. (C) Observers accompanied the boxes to Caracas where CNE officials conducted the audit, by counting the paper receipts and comparing the results with the tally sheets emitted by the voting machines, in the presence of OAS and Carter Center observers. They also made sure the papers and tally sheets matched the electoral register which voters signed. Paper receipts had to be separated by machine because most tables had only one box for depositing the paper receipts. When the count was off, they pulled boxes from accompanying tables. One box, for example, was 50 "no" votes short of what was on the acta; they resolved it by finding a second box that had been used (which poll workers had accidentally mislabeled). Mimica said the audit revealed the voting machines varied from the paper receipts by only 0.75 votes per machine. (Note: The Coordinadora chose not to participate in the audit as opposition leaders were not sure the study would address all of their concerns.)

Carter Center Recounts Tabulation Drama

¶4. (C) Mimica told PolOff he was present in the CNE control room just after midnight on August 16 when CNE Director Jorge Rodriguez invited select international observers to witness the tabulation around midnight. He said Rodriguez stood at the door and personally vetted each observer. Mimica was allowed to pass, but he first had to give his fingerprints. CNE Directors Mejias and Zamora were present.

¶5. (C) Rodriguez made a quick speech and then asked a

general for the envelope with the security key, according to Mimica. Rodriguez opened the envelope and entered the code to instruct the server that had received transmissions from the voting machines to run the tabulation program loaded on a second server. A few moments later, the total showed that Chavez had won. The calculations took a few seconds, said Mimica, and the results stunned most of those present. Mimica said it was as if a bomb had exploded. CNE director Zamora, he said, turned white. Mimica said Smartmatic President Antonio Mugica, whose company provided the electronic voting system, was visibly shocked and asked whether the results were confirmed by Carter Center's quick count. Mimica said he declined to respond because he did not have results yet, but thought it unethical to tell Smartmatic. Mimica said Mugica would "receive the academy award" if his surprise at the results was an act.

¶6. (C) Mimica suspects Rodriguez knew the results before the dramatic moment and was making a dramatic show of Chavez's victory in the presence of Carter and Gaviria. No observers had been allowed in the room all night, he said. He speculated that it was possible for Rodriguez to have entered the code and seen the results, then reset the second server. Alternatively, he posited, Rodriguez could have queried the backup control room at the Banesco building. Mimica said he thought it likely Chavez already knew the results before Rodriguez mounted his show.

¶7. (C) Mimica does not believe there was fraud. He did not think it possible to re-program the machines remotely (they are two-way because the machine has to handshake with the server). He confirmed that the machines were only plugged in to transmit the results, which took only a couple of minutes at the most. He did, however, credit Comando Maisanta technology chief Nelson Merentes' manipulation of the process with the Chavez win. Mimica, who was the liaison with Maisanta during the campaign, said he met with Merentes at least six times. Merentes bragged beforehand that he had done a study on how to win the election and had extremely detailed information on the voting records and tendencies of every pueblito. Mimica noted that Merentes had been able to influence the CNE on multiple occasions to make rules that benefited Maisanta's strategy, for example, trying to disqualify any poll worker who had signed the petitions in favor of the referendum. When it became apparent it was too late to dump the workers and train new pro-Chavez ones, Merentes focused on changing local electoral boards which then gave Chavez supporters control over them. Mimica made clear that Merentes' manipulation was designed to slice off opposition votes: it may have been highly unethical, but it did not rise to electoral fraud.

OAS Convinced of Chavez Win

¶8. (C) OAS chief observer Edgardo Ries told Poloffs August 22 he is sure no fraud had been committed. Ries, who has observed several recent elections in Venezuela, said this one was "the most transparent" in comparison to others under Chavez's administration, and certainly better than the 1998 election when Chavez won the first time. There were many "unjust but not illegal" maneuvers by the GoV, he said, but they did not need to steal the election. He said it is "improbable" that the GoV was able to fool the random selection of boxes audited by OAS/TCC by replacing contents. He asserted that the GoV would have had to find all the infected boxes (amounting to 1.5 million votes), count them, and then replace the "si" votes with the appropriate amount of "no" votes.

¶9. (C) Ries said the August 19-21 audit settled the charge that someone had tampered with the machines because the random check of the paper receipts found no inconsistencies. He also said it was improbable the military would have had time to change the contents of the boxes in the three days between the election and the audit. He discounted opposition allegations that algorithms to change the results were

imbedded in electoral software, saying that such manipulations would have been revealed by the audit. The sample for the audit, he said, was drawn from the universe of nearly 20,000 machines. It was not, however, a stratified sample, which would have broken the universe down into sub units -- states -- and then selected randomly among them. Two (unspecified) states, therefore, were not covered.

¶10. (C) Ries asserted that there was no computer hacking because the system because the voting machines were not inter-connected and only connected to the CANTV dedicated telephone network for a short period to transmit data. He dismissed opposition exit polls that showed a strong opposition lead as unscientific because interviewees are not selected by social class. Ries concluded that this election was the "most transparent" one he had seen in Venezuela.

Coordinadora Establishes Fraud Commission

¶11. (C) To document and back up its allegations that fraud was committed in the August 15 referendum, the Coordinadora Democratica has established a commission headed by constitutional expert Tulio Alvarez. At the moment, according to Coordinadora representative Enrique Naime, there are two other organizations working seriously on the allegations -- Sumate and Gente de Petroleo (Note: Gente de Petroleo's Juan Fernandez told poloff August 24 he is working closely with the Coordinadora commission, though he is getting assistance from computer experts in his organization.). Naime likened it to salvagers who have seen a treasure ship sink and each is competing to be the first to find the treasure.

¶12. (C) Although Miranda State Gov. Enrique Mendoza spoke of the commission as a done deal in his meeting with Ambassador August 20, some important actors such as former Supreme Electoral Council president Carlos Delgado are not yet on board, according to Jorge Casado who will be acting as executive secretary for the commission. Casado and Naime acknowledged that another problem the Coordinadora faces is the proliferation of fraud theories and persons attracted to the camera lights. While the Coordinadora may succeed in clarifying the various theories and supporting the arguments, they said, controlling the voices is much more difficult.

¶13. (C) Casado said the Coordinadora's goal is to produce a convincing case file and present it when it is ready, not in reaction to some external event, e.g., the OAS meeting August ¶24. He and Naime welcomed the opening that Gaviria had left for the opposition when he said they would be willing to receive documentation of the opposition's allegations whenever they were ready.

¶14. (U) Sumate representatives Alejandro Plaz and Maria Corina Machado told reporters August 23 that they were not trying to prove whether fraud occurred, but were trying to find the truth so that all doubts could be erased. They restated their concerns about the process based on the fact the exit polls were so radically different from the results as announced by the CNE. Plaz said Sumate was investigating hundreds of complaints it had received and was consulting with several national and international academics, and would eventually present its findings. Machado made several suggestions for how to improve the transparency of the voting process for future votes and to restore credibility to the electoral process. These suggestions included:
--Replacing all five CNE directors;
--Making the vote manual and conduct a recount of all of the votes immediately following the vote;
--Auditing all stages of the voting process (the notebooks, the urns, the ballots, etc.); and
--Ensuring international observers are given unrestricted access to all phases of the vote and all offices necessary to adequately monitor the process.

Comment

¶15. (C) The international observers' validation of the CNE's audit of the August 15 results practically closes the referendum chapter for Venezuela. Although Chavez opponents will strive to build a case to support the allegations of fraud, internal divisions, competing theories and doubts whether any one of the allegations significantly altered the results will hobble their efforts. And, the opposition has provided no evidence, and no theory to convince the Carter Center/OAS observers.

¶16. (C) On their side, Chavez and his supporters have the momentum thanks to early, and now repeated, validation of the results by the Carter Center and the OAS. Ironically, the GoV had tried to limit the role of the OAS and Carter Center prior to the referendum, but now touts their endorsement of the results as the blessing of the international community. Gaviria, more so than Carter, left the possibility of fraud open, in the sense that he said there was no evidence of fraud, but that the would review anything new that the opposition might uncover. Many in the opposition, however, were disappointed with the observers' role in post-referendum events, feeling as if Carter and Gaviria were more in a hurry to leave town than to investigate fraud allegations. The opposition sees similarities with what they view as the OAS's validation of the flawed 2000 elections in Peru. The Coordinadora would have to unearth convincing proof of electronic fraud, elusive so far, to impact on the Carter Center/OAS evaluation of the referendum.
McFarland

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